

REMARKS

Claims 3, 6-18, 20, 24, 27 and 29-35 are pending. Claim 3 is substantially amended as explained below. Claim 5 is canceled as its recitations have been incorporated into amended claim 3. Dependency of Claim 6 is amended accordingly. Claim 7 is amended to confine its scope to presently elected subject matter. Claims 4, 6-18, 20, 24, 27 and 29-33 are amended to move a phrase to improve clarity of the claims.

Substance of telephone interviews

On April 30, 2009, and again on May 7, 2009, Applicants' Representative was contacted by the Examiner of the present application to discuss changing the Restriction Requirement mailed January 13, 2009. In particular, upon reconsideration the Examiner suggested that restriction among the claims was more sensible based upon election of the variation in Y' rather than upon variation in Z.

Applicants noted that there is substantial overlap of the variables available to these two groups and upon due consideration of the Examiner's suggestion, have agreed to adopt it. The revised restriction requirement is to be included in the first Office Action on the merits, so as to have it clearly presented on the record.

Response to revised restriction requirement

Applicants hereby elect, without traverse, the claims of Group V (claims 1-26 in part, now claims 3, 6-18, 20, 24, 27 and 29-35 in part) of the revised restriction requirement for examination in the present application. Applicants reserve the right to file applications directed to subject matter canceled from the present application pursuant to 35 USC §§ 120 and 121.

The claims are presently amended to effect Applicants' agreement to the revision of the restriction requirement. That is, the scope of Y' has been amended to conform to the scope suggested by the Examiner, and the scope of Z has been restored to that originally presented on filing of the application.

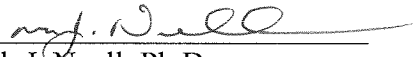
Applicants previous election of the species of Example 136 for initial search and examination remains appropriate and in effect.

Early and favorable action on the merits of the pending claims is requested. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D. (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: May 21, 2009

Respectfully submitted,

By 
Mark J. Nuell, Ph.D.
Registration No.: 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive, Suite 260
San Diego, CA 92130
(858) 792-8855
Attorney for Applicant